

922 KAR 1:510. Authorization for disclosure of protection and permanency records.

RELATES TO: KRS 61.870-61.884, 194A.050(1), 45 C.F.R. 160.103, 164.501, 164.502, 164.508, 164.512, 164.524

STATUTORY AUTHORITY: KRS 61.876(1), 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 61.876(1) requires the cabinet to adopt administrative regulations regarding the protection and disclosure of public records in conformity with KRS 61.870 to 61.884. This administrative regulation establishes the authorization requirements for disclosure of protection and permanency records.

Section 1. Definitions. (1) "Disclosure" is defined by 45 C.F.R. 160.103.

(2) "Official custodian" is defined by KRS 61.870(5).

(3) "Protection and permanency records" means a public record as defined in KRS 61.870(2) that is prepared, owned, used, in the possession of, or retained by departmental staff providing protection and permanency services.

Section 2. Authorization for Disclosure of Protection and Permanency Records. (1) If a person submits a request for disclosure of protection and permanency records, the official custodian shall require the person to authorize the disclosure, in accordance with 45 C.F.R. 164.508(c), by completing and signing aCHFS-305, Authorization for Disclosure of Protected Information.

(2) The CHFS-305 shall be submitted with a copy of a photo ID to the official custodian of protection and permanency records:

(a) Between the hours of 8 a.m. and 4:30 p.m. to the Cabinet for Health and Family Services, Department for Community Based Services, Records Management Section, 275 East Main Street, Section 3E-G, Frankfort, Kentucky 40621;

(b) By mail to the address specified in paragraph (a) of this subsection;

(c) By electronic mail to CHFSDCBS.RMS@ky.gov; or

(d) By fax to 502-564-9554.

Section 3. Appeals. A person denied access to records shall have appeal rights in accordance with 45 C.F.R. 164.524(d)(4), or KRS 61.880 and 61.882.

Section 4. Incorporation by Reference. (1) "CHFS-305, Authorization for Disclosure of Protected Information", 8/2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday 8 a.m. to 4:30 p.m. (30 Ky.R. 1156; 1561; 2587; eff. 1-5-2004; 31 Ky.R. 362; eff. 8-24-2004; TAm eff. 1-27-2006; 45 Ky.R. 3589, 46 Ky.R. 475; eff. 8-19-2019.)